



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 9619
Seiji NONAKA et al. : Docket No. 2000-1402
Serial No. 09/679,308 : Group Art Unit 1745
Filed October 6, 2000 : Examiner J. Mercado

ELECTRODE METAL MATERIAL,
CAPACITOR AND BATTERY FORMED
OF THE MATERIAL AND METHOD
OF PRODUCING THE MATERIAL
AND THE CAPACITOR AND BATTERY :

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

AB(NB)
6.24.03
RECEIVED
JUN 23 2003
TC 1700

**Do Not Enter
OK to Enter**

RESPONSE AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE UNDER 37. CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1745**

Sir:

Responsive to the Office Action of March 12, 2003, the time for responding thereto being extended for one month in accordance with a Petition for Extension of Time submitted herewith, Applicants submit the following remarks in support of the patentability of the present invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims. Further and favorable reconsideration is respectfully requested in view of these remarks.

Initially, although the Office Action Summary page indicates that claims 1, 3-8, 10 and 121-123 are pending in the application, the pending claims are claims 1, 3-23, 59-79, 104 and 121-123. As correctly indicated on the Office Action Summary page of the Office Action of August 21, 2002, the pending claims at that time were claims 1-23, 59-79, 104 and 121-123 (of which claims 11-23, 59-79 and 104 were withdrawn from consideration). In the Amendment filed December 23, 2002, Applicants amended claim 1, and cancelled claim 2. None of the other claims were cancelled. Accordingly, it is apparent that the pending claims, at the time of issuance of the final rejection, were claims 1, 3-23, 59-79, 104 and 121-123.

The rejection of claims 1, 3-8, 10 and 121-123 under 35 U.S.C. §102(e) as being anticipated by Okamura et al. (US 6,191,935), as well as the rejection of claim 9 under 35 U.S.C. §103(a) as being unpatentable over this reference, are respectfully traversed.

Applicants take the position that the Okamura et al. reference is not available as prior art against the present invention. The effective date of Okamura et al. as prior art is its U.S. filing date of October 16, 1998, which falls between the filing date of January 23, 1998 for Applicants' first two Japanese priority applications (10-011077 and 10-011078), and the filing date of January 22, 1999 for the international application on which Applicants' first U.S. parent application (Serial No. 09/381,680) is based. Therefore, obtaining the benefit of the filing date of the first two Japanese priority applications (January 23, 1998) will be effective to overcome the reference.

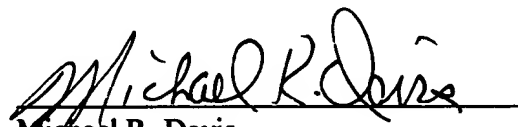
Certified copies of all four of Applicants' Japanese priority applications have already been received by the PTO, as acknowledged by the Examiner. Referring to the last paragraph on page 4 of the present Office Action, verified English translations of the first two Japanese priority applications are submitted herewith. Applicants note that these translations are actually photocopies of the verified translations which were filed with Applicants' Amendment of August 2, 2002 in their immediate parent application, Serial No. 10/035,164, now USP 6,493,210.

Applicants take the position that they are entitled to the benefit of the filing date of the first two Japanese priority applications for the subject matter of the rejected claims, and therefore the rejections based on the Okamura et al. reference should be withdrawn.

Therefore, in view of the foregoing remarks, it is submitted that the present application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Seiji NONAKA et al.

By: 
Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/pth
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
June 18, 2003